

United States District Court
for
Middle District of Tennessee

Petition for Warrant for Offender Under Supervision

Name of Offender: Nechelle Scales Case Number: 3:09-00183
Name of Judicial Officer: Honorable Todd J. Campbell, U.S. District Judge
Date of Original Sentence: December 23, 2010
Original Offense: Aiding and Assisting in the Preparation of a False Income Tax Return, 26 U.S.C. 7206(2)
Original Sentence: Five years' probation
Type of Supervision: Probation Date Supervision Commenced: December 23, 2010
Assistant U.S. Attorney: John K. Webb Defense Attorney: Jodie A. Bell

PETITIONING THE COURT

X To issue a Summons.
 To issue a Warrant.

THE COURT ORDERS:

- ☐ No Action
☐ The Issuance of a Warrant:
 ☐ Sealed Pending Warrant Execution
 (cc: U.S. Probation and U.S. Marshal only)
☒ The Issuance of a Summons.
☐ Other

Considered this 17 day of Oct, 2014,
and made a part of the records in the above case.

Todd J. Campbell

Todd J. Campbell
U.S. District Judge

I declare under penalty of perjury that the
foregoing is true and correct.
Respectfully submitted,

Lisa L. House

Lisa L. House
U.S. Probation Officer

Place Clarksville, TN

Date October 15, 2014

ALLEGED VIOLATIONS

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation No. Nature of Noncompliance

1. **The defendant shall not commit another federal, state, or local crime.**

Nechelle Scales was arrested on August 30, 2014, in Clarksville, Tennessee, for Theft Greater than \$500.

According to the affidavit of complaint, on August 29, 2014, the police responded to a Theft of Property at Publix, 1490 Tiny Town Road. The victim, Coa V. Nguyen, stated he was at the counter of Publix purchasing beer and put his iPhone 5s, valued at \$750, on the counter beside the case of beer. Mr. Nguyen stated that he left his phone on the counter while he went outside to get his ID. Mr. Nguyen stated that there were two African American females standing at the counter when he left. When Mr. Nguyen returned to the customer service counter, his phone and the two females were gone. Mr. Nguyen stated the manager of Publix, Janice Jones, reviewed the video surveillance footage, and it showed the older female take the phone and leave the store. Officers made contact with Janice Jones, and she provided the surveillance video. In the video, the officer could see where the female stood at the right side of the counter until Mr. Nguyen left and then walked over to the left side of the counter where the phone was. The female was on her phone at the time and kept looking at and touching the phone belonging to Coa V. Nguyen. She then took the phone and walked out of the store. Janice Jones advised that the two females stated that they were mother and daughter. The daughter, Jazmin Scales, purchased a money order at the customer service desk, enabling the police to obtain her information. The officer located a recent report with Jazmin Scales and her mother, Nechelle Scales, and was able to confirm that Nechelle Scales was the defendant from the video. Officers went to the residence of Nechelle Scales at 724 Princeton Circle and made contact with her. Officers identified Nechelle Scales from the video. Ms. Scales confirmed that she had gone to Publix and was taken into custody. Nechelle Scales stated that she thought it was her phone when she took it. Ms. Scales stated that she did not realize that she had the phone until she was on her way to Nashville and planned to return the phone to Publix the next day. Nechelle Scales stated that the phone belonging to Mr. Nguyen was in her car, but she initially would not allow officers to retrieve it. Ms. Scales subsequently allowed the officers to enter her vehicle and retrieve the phone from her glove box before she was transported to booking. Nechelle Scales was transported to the Montgomery County Jail and charged with felony Theft of Property. Nechelle Scales posted a \$1,000 bond on August 30, 2014, and was released.

This case is set for November 6, 2014.

2. **The defendant shall pay restitution to the Internal Revenue Service in the amount of \$36,475.45 at the rate of ten percent of the defendant's gross monthly income.**

Ms. Scales has failed to make regular monthly payments toward her restitution. Since the start of her probation in December 2010, she has made seven payments totaling \$529. Her last payment was received on June 6, 2014.

Compliance with Supervision Conditions and Prior Interventions:

Nechelle Scales began her term of probation on December 23, 2010. The term of supervision is scheduled to expire on December 22, 2015. Ms. Scales has been sporadically employed throughout the duration of her probation.

Ms. Scales was cited on March 8, 2013, for Driving on a Suspended Driver's License. The Court was notified regarding this violation in a petition dated March 27, 2013, with a request for no action. The Court was also notified regarding her failure to submit regular monthly restitution payments. The Court ordered no action on March 28, 2013.

The Court was also notified regarding failure to submit regular restitution payments in a petition dated July 9, 2014, with a request for no action. The Court ordered no action July 10, 2014.

The Financial Litigation Unit has been notified of Ms. Scales' inconsistent restitution payments, and she has been enrolled in the Treasury Offset Program.

Ms. Scales began employment with Covan Moving and Storage as a packer in June 2014. Supervision was transferred to the undersigned officer on July 12, 2014. Ms. Scales is a full-time student at Austin Peay State University, and she is scheduled to graduate with a degree in Business Administration in May 2015. Ms. Scales is the mother of nine children.

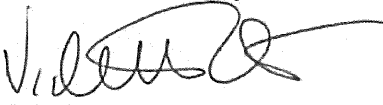
Update of Offender Characteristics:

There is no additional information relevant to this section that has not already been provided in this petition.

U.S. Probation Officer Recommendation:

It is respectfully recommended that a summons be issued for Nechelle Scales so that she may appear before the Court to answer to the violation behavior outlined above. This case and its related incidents have been reported to Assistant U.S. Attorney John Webb who concurs with the recommendation.

Approved: _____



Vidette Putman
Supervisory U.S. Probation Officer

SENTENCING RECOMMENDATION
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE
UNITED STATES V. NECHELLE SCALES, CASE NO. 3:09-00183

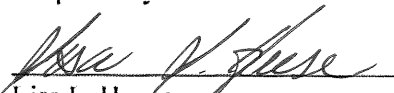
GRADE OF VIOLATION: C
CRIMINAL HISTORY: III

ORIGINAL OFFENSE DATE: POST APRIL 30, 2003 **PROTECT ACT PROVISIONS**

	<u>Statutory Provisions</u>	<u>Guideline Provisions</u>	<u>Recommended Sentence</u>
CUSTODY:	No more than 3 years (Class E felony)	5 to 11 months	No recommendation
SUPERVISED RELEASE:	1 year	1 year less any term of imprisonment <i>18 U.S.C. 3583(h)</i>	No recommendation


Guideline Policy Statements: The violation reported on page two of this petition is a Grade C violation. Pursuant to U.S.S.G. § 7B1.1(a)(3)(B). Upon a finding of a grade C violation, the Court may (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision.

Respectfully Submitted



Lisa L. House
U.S. Probation Officer

Approved:



Vidette Putman
Supervisory U.S. Probation Officer